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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JON CLARKE DUNHAM,

Defendant and Appellant.

D049149

(Super. Ct. No. SCN200395)

APPEAL from a judgment of the Superior Court of San Diego County, K. Michael Kirkman, Judge. Affirmed.

Jon Clarke Dunham entered a negotiated guilty plea to four counts of lewd and lascivious conduct with a minor under the age of 14 years. (Pen. Code, § 288, subd. (a).) The court sentenced him to a stipulated 14 years in prison: the eight-year upper term on one count with two-year consecutive terms on the remaining three counts (one-third the middle term). (The court issued a certificate of probable cause. (Cal. Rules of Court, rule 8.304(b).))

FACTS

Viewing the record in the light most favorable to the judgment below (*People v. Johnson* (1980) 26 Cal.3d 557, 576), the following occurred. Dunham is the grandfather of a boy identified as John Doe and his sister identified as Jane Doe. When John Doe was in kindergarten, his family moved in with Dunham. Commencing when John Doe was five years old, Dunham would take him into the bathroom and play with John Doe's penis. On one occasion, Dunham made John Doe place his mouth on Dunham's penis. Dunham told John Doe not to tell what had occurred or he would hurt his family. Eight-year old Jane Doe testified that while living with Dunham, she and her grandfather would play games in the living room that included removal of their clothes, her touching his private parts while her eyes were shut, and sitting naked before him with her legs spread apart. In the bathroom, he touched her private parts with his fingers and a towel.

When child abuse detective Kimberly Rainwater went to Dunham's house to speak with him, he apparently tried to commit suicide. Rainwater learned Dunham had two prior suicide attempts.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible but not arguable issues: (1) whether Dunham's guilty pleas were involuntary because the trial court did not hold a hearing on his competency; and (2) whether the guilty pleas were knowing and

voluntary because the trial court did not inquire whether Dunham was medicated when he entered he pleas.

We granted Dunham permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Dunham on this appeal.

DISPOSITION

The judgment is affirmed.

O'ROURKE, J.

WE CONCUR:

McCONNELL, P. J.

AARON, J.